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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SUO MOTU CONTEMPT PETITION NO.252 OF 1996
IN
CIVIL APPLICATION NO.6123 OF 1995
IN
WRIT PETITION NO.326 OF 1995

Bhagwandas Shaligram Kasat Appellant
versus
1. Janseva Shikshan Mandal,
Shivle, Tal.Murbad, Dist.Thane.

2. Janseva Shikshan Mandal's
College of Education, A & P Shivle,
Tal.Murbad, District Thane. Contemnors

Mr.R.S.Apte for respondents 1 and 2.

CORAM : A.S.OKA, J.

DATE : 28th March 2007

PC :

1. A Division Bench of this Court by order dated 9th August 1996 issued notice of contempt to the respondents herein. In a writ petition filed by one Bhagwandas Shaligram Kasat an interim order was passed on 10th April 1995 restraining the respondents in the contempt petition from terminating the employment of said Bhagwandas Shaligram Kasat. The allegation of said Bhagwandas Kasat is that notwithstanding the said

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order dated 10th April 1995, on 12th April 1995, his employment was terminated by the respondents herein. The said Bhagwandas Kasat had taken out Civil Application No.6123 of 1995 in the pending writ petition. While granting interim relief in the said Civil Application, on 9th August 1996 a Division Bench of this court recorded a prima facie finding that the respondents herein have committed breach of interim order passed on 10th April 1995.

2. Shri Apte appearing for the contemnors has invited my attention to the documents annexed to Civil Application No.45 of 2007. He has annexed a copy of the Writ issued by this Court in Contempt Petition No.31 of 1998. The said contempt petition appears to have been filed by the said Bhagwandas Kasat alleging that the respondents herein have committed contempt of this Court as they have committed breach of interim order dated 10th April 1995. In the said Contempt Petition No.31 of 1998, a notice was issued to the respondents in the main writ petition. By order dated 22nd April 1998, the learned Single Judge of this Court disposed of the said contempt petition by discharging the notice issued against the respondents herein.

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3. Thus, it appears to me that this Court has declined to take action against the respondents herein for the alleged breach of order dated 10th April 1995. In view of the order dated 22nd April 1998 passed in Contempt Petition No.31 of 1998, no action can be taken against the respondents herein. Hence, the contempt notice issued on the basis of order dated 9th August 1996 is discharged and suo motu contempt petition is disposed of.

(A.S.OKA, J.)

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IN
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IN
WRIT PETITION NO.326 OF 1995

1. Janseva Shikshan Mandal,
Shivle, Tal.Murbad, Dist.Thane.

2. Janseva Shikshan Mandal's
College of Education, A & P Shivle,
Tal.Murbad, District Thane. Petitioners

versus

Bhagwandas Shaligram Kasat Respondent

Mr.R.S.Apte for petitioners.

CORAM : A.S.OKA, J.
DATE : 28th March 2007

PC :

1. By a separate order passed today the contempt notice issued against the petitioners in this application is discharged. Therefore, the order dated 29th January 2007 passed by this Court is recalled. Application is accordingly disposed of.

(A.S.OKA, J.)